

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

RICHARD F. STOKES  
JUDGE

1 THE CIRCLE, SUITE 2  
SUSSEX COUNTY COURTHOUSE  
GEORGETOWN, DE 19947

Mr. Boyd J. Taylor  
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Seaford, DE 19973

James A. Fuqua, Esquire  
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Georgetown, Delaware 19947

Re: ***Boyd J. Taylor v. City of Seaford***  
ID S11A-01-009 RFS

*On Appeal from a Decision of the Unemployment Insurance  
Appeals Board. Affirmed.*

Submitted: September 7, 2011  
Decided: November 14, 2011

Dear Mr. Taylor and Counsel:

Boyd Taylor (“Claimant”) appeals a denial of his application for unemployment insurance benefits. Claimant was employed by the City of Seaford as a truck driver from January 2005 until his termination in September 2010. The Unemployment Insurance Appeal Board (“Board”) found that Claimant’s refusals to drive a particular truck constituted just cause for dismissal, making him ineligible to receive unemployment benefits.

On appeal from a decision of the Board, this Court determines whether the Board's decision is supported by substantial evidence and is free from legal error.<sup>1</sup>

Claimant argues first, as he did below, that the truck he refused to drive was unsafe. Berley Mears, the Director of Public Works for the City of Seaford was Claimant's direct superior. He instructed Claimant on a Friday afternoon to drive the truck to a work site and pick up fallen tree limbs. Claimant refused. He was warned that subsequent refusals to follow a direct order could result in dismissal.

The following week Berley again instructed Claimant to use the truck, and again he refused. He asserted that fewer than eight of the cylinders were operating, that the brakes and steering were malfunctioning and that gas fumes were leaching into the truck. Based on these allegations, the truck was inspected and test driven by Charles Anderson, the Assistant City Manager, and Dolores Slatcher, the Mayor. They found the truck to be in working order and experienced no brake problems or noxious fumes. Thus, the record contains substantial evidence to support the Board's finding that the only evidence of the truck's lack of safety was Claimant's personal opinion.

Claimant also argues, as he did below, that the truck should have been tested by the Department of Transportation. The evidence showed that the truck had passed the State motor vehicle inspection and that there was no requirement for additional inspections. This argument is not grounds for reversal.

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<sup>1</sup>Title 19 *Del. C.* § 3323(a); *Starkey v. Unemployment Ins. Appeal Bd.*, 340 A.2d 165, 166 (Del. Super. 1975), *aff'd* 364 A.2d 651 (Del. 1976).

Claimant argues, as he did before the Board, that an unidentified person told him that repairs had been done on the truck after his termination. This allegation is irrelevant to the issue of Claimant's insubordination, which caused his discharge.

The record shows that Claimant was warned not to refuse direct orders and that he did so nonetheless. This evidence supports the Board's finding that Claimant's actions constituted insubordination as defined in the Employee handbook. As the Board determined, insubordination in violation of the employer's rules provides just cause for dismissal. The Board's decision is supported by substantial record evidence and is free from legal error.

For these reasons, Claimant's appeal is **DENIED** and the Board's decision is **AFFIRMED**.

**IT IS SO ORDERED.**

Very truly yours,

Richard F. Stokes

cc: Prothonotary